

**THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE**

ERICH SMITH et al.,

Plaintiffs,

v.

**PRESIDENT JOSEPH R. BIDEN, JR. et
al.,**

Defendants.

Civil No. 21-19457 (CPO/SAK)

ORDER

This matter is before the Court upon a letter request by Plaintiffs Erich Smith, Frank E. Garwood, Jr., Maribel Lorenzo, and Dr. Daniel Donofrio (collectively, “Plaintiffs”) to temporarily lift the stay to effectuate service of process upon the newly added defendants [ECF No. 36]; and the Court having previously considered Plaintiffs’ Second Amended Complaint (“SAC”) in rendering its November 8, 2021 Opinion and Order [ECF Nos. 19, 20]; and Plaintiffs having appealed the Court’s November 8, 2021 Order and Opinion [ECF No. 22]; and the Court having subsequently granted Plaintiffs leave to file a SAC on December 7, 2021 [ECF No. 30]; and Plaintiffs having filed the SAC with the Court on December 15, 2021 [ECF No. 31]; and the Court having issued a stay in litigation on December 27, 2021 [ECF No. 33]; and Plaintiffs now seeking to effectuate service of process of the SAC on the newly added Defendants [ECF No. 35]; and the Court having “broad discretion to manage [its] docket . . . and [in deciding] whether to stay proceedings,” *see Gerald Chamales Corp. v. Oki Data Americas, Inc.*, 247 F.R.D. 453, 454 (D.N.J.

2007); and the Court finding that the interests of justice would be best served by allowing service of process pursuant to Federal Rule of Civil Procedure 4; and for good cause shown;

IT IS this **13th** day of **January, 2022**, hereby **ORDERED** as follows:

1. The stay is **temporarily lifted** for the sole purpose of Plaintiffs effectuating service of process on Defendants, pursuant to Federal Rule of Civil Procedure 4.
2. The Clerk shall issue the summonses requested by Plaintiffs [ECF No. 35].
3. Upon Plaintiffs' filing proofs of service with the Court, the stay shall automatically be reinstated, tolling the time for all Defendants to answer, move, or otherwise respond to Plaintiffs' Second Amended Complaint.
4. All provisions of the Court's December 27, 2021 Order Staying the Case [ECF No. 33] not modified by the foregoing provisions, remain in effect.

s/ Sharon A. King
SHARON A. KING
United States Magistrate Judge

cc: Hon. Christine P. O'Hearn, U.S.D.J.